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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,342	03/12/2004	Dwight Allen Merriman	16113-1341006	5601

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FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
LANEAU, RONALD	
ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
02/26/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/798,342	MERRIMAN ET AL.	
	Examiner	Art Unit	
	Ronald Laneau	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2009*.

2a)☐ This action is FINAL. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-15 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graber et al (US 5,812,769) in view of Goldhaber et al (US 5,794,210).

As per claims 1 and 9, Graber teaches a method for advertising, comprising: receiving an advertisement request from a user node (see fig. 1, 102a), wherein said advertisement request is based upon a link sent from an affiliate node to said user node in response to a content request sent from said user node to said affiliate node (see fig. 1, 140). Wexler does not explicitly disclose the selecting an advertisement based on stored information but Goldhaber discloses selecting, in response to said advertisement request, an advertisement based upon stored information about said user node (col. 14, lines 17-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the selecting step as disclosed by Goldhaber into the method of Graber because it would allow the advertisers to target their advertisements to a subset of the general

population that may be more likely to respond to the advertisements and also assure that its advertising is delivered to the consumers most likely to purchase its products.

As per claims 2-7, the limitations of "content of the stored information" has no weight since they are non-functional descriptive material. They are however rejected under the combination of Graber and Goldhaber (see claim 1).

As per claim 8, the combination of Graber and Goldhaber would disclose a method wherein selecting an advertisement is further based upon an operating system type, each associated with said user node as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the same reasons given in claim 1.

As per claims 10-14, Graber does not explicitly disclose calculating a satisfaction index and selecting the advertisement with the lowest satisfaction index but Goldhaber discloses a system wherein if selection criteria associated with more than one advertisement are satisfied based upon said stored information, then calculating a satisfaction index for each advertisement (see fig. 11A, 182), and selecting the advertisement with the lowest satisfaction index, wherein said satisfaction index for an advertisement is directly proportional to the number of times said advertisement is sent to a user node, wherein said satisfaction index for an advertisement is inversely proportional to the amount of time expired since said advertisement was first permitted to be sent to a user node (see Goldhaber, fig. 11A, scanning for matching ads and screening for used ads), wherein said satisfaction index for an advertisement is inversely proportional to the maximum number of times the advertisement is permitted to be sent to a user node, wherein said satisfaction index for an advertisement is directly proportional to the total amount of time over

which said advertisement is permitted to be sent (see Goldhaber, fig. 11A, by indexing each ad, the system is actually counting the number of times this ad has been sent to a user node as claimed).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the satisfaction index as disclosed by Goldhaber into the method of Graber because it would keep track of the number of times such and such advertisements have been sent to a user.

As per claims 15, Graber discloses a method wherein an advertisement request would include an Internet Protocol address associated with a user node as claimed (see fig. 1).

As per claim 19, Goldhaber teaches a system further comprising sending said selected advertisement to said user node for display (see fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the advertisement selection for display as taught by Goldhaber into the method of Graber because it would allow the system to monitor the user's activities and record the interests of the user based on time spending looking at the ad.

As per claims 20-22, the combination of Graber and Goldhaber would disclose a system comprising receiving from said user node a click through request for information about the advertiser associated with said selected advertisement, further comprising sending a network address for said advertiser to said user node in response to said click-though request, wherein said stored information includes information about a prior click-through request received from said user node (see Graber, fig. 1, see abstract; see Goldhaber for the selection step).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Graber and Goldhaber for the same reasons discussed previously.

4. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graber et al (US 5,812,769) in view of Goldhaber et al (US 5,794,210) and further in view of Funk et al (US 5,937,162).

As per claims 16-18, neither Graber nor Goldhaber discloses a system for performing a reverse domain and for selecting an advertisement based on the results of said reverse domain but Funk discloses a system performing a reverse domain lookup table based upon an internet protocol address, selecting an advertisement based upon the results of said reverse domain and perform a trace operation route (see claim 1; reverse domain is querying a domain name server (DNS) to determine the corresponding domain name).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the selecting step as disclosed by Goldhaber into the method of Graber because it would allow the advertisers to target their advertisements to a subset of the general population that may be more likely to respond to the advertisements and also assure that its advertising is delivered to the consumers most likely to purchase its products. It would have been obvious to one of ordinary skill in the art to utilize the domain name querying system as taught by Funk into the combined systems of Graber and Goldhaber because it would provide a system that can send a unique, customized advertisement to a group of selected users and allow them to click and see the ad on the display screen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571)272-6784. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald Laneau/
Primary Examiner
Art Unit 3714

rl